

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIFER RAE COBELL,

Defendant.

CR-12-08-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 27, 2016. (Doc. 187.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 25, 2016. (Doc. 182.) Cobell admitted that she violated the conditions of her supervised release. The violations prove serious and warrant revocation of Cobell's supervised release.

Judge Johnston recommends that the Court revoke Cobell's supervised release.

Judge Johnston also recommends that the Court sentence Cobell to ten months of imprisonment with no supervised release to follow. (Doc. 187 at 6.)

Cobell's violation qualifies as a grade B violation. She has a criminal history category of III. Cobell's underlying offense qualifies as a Class C felony. Cobell could be incarcerated for up to 24 months. Cobell could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guideline calls for eight to 14 months of custody time.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Cobell's violation of her conditions of supervised release represent a serious breach of the Court's trust. A sentence of 10 months of custody and no supervised release to follow represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 187) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Jennifer Rae Cobell shall be sentenced to ten months imprisonment with credit for time served. The Court orders no supervised release to follow Cobell's term of imprisonment.

DATED this 12th day of May, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge